

Serial No. 10/598,107

PATENT
Docket No. 075954-010300REMARKS

These remarks are directed to the office action mailed February 25, 2008, setting a three month shortened statutory period for response set to expire on May 25, 2008. The office action issued by the Examiner and the citations referred to in the office action have been carefully considered.

Prompt reconsideration is requested in view of the above claim amendments and the following remarks. As indicated, amendments introduce no new matter. Claims 14 and 15 have been added. Support for claim 14 is found in paragraph [0020] of Applicant's specification. Support for claim 15 is found in paragraphs [0044] and [0045] of Applicant's specification. Claims 1-15 are now pending.

Specification

Paragraph [0023], found on page 6, lines 13-23, has been amended to clarify that "R³ and R^{3'} represent a hydrogen or an alkyl group." Support for this amendment is found in paragraph [0006] of Applicant's specification. No new matter has been introduced. Claims 1 and 7 have been amended such that Applicant's specification now provides proper antecedent basis.

Claim Rejections - 35 USC § 112

Claims 1-3 have been rejected under 35 USC §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. Claim 1 has been amended to correctly define R¹. Applicant submits that independent claim 1 and the claims dependent therefrom are now patentable under 35 USC §112.

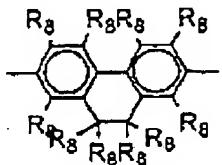
Claim Rejections - 35 USC § 102 and 103

Claims 4-8 have been rejected under 35 U.S.C. 102(b) as being anticipated by Noguchi et al. (EP 1 074 600 A2). Claims 4-13 have also been rejected under 35 U.S.C. 103(a) as being unpatentable over Noguchi et al. in view of Yamamoto et al. (JP 409077854A).

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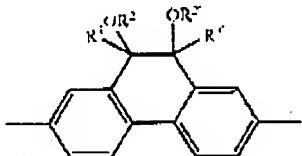
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Noguchi et al. discloses the following structure on page 7:



wherein R₈ can be selected independently as a hydrogen atom, alkyl, alkoxy, alkylthio, alkylsilyl, alkylamino, aryl, aryloxy, arylalkyl, arylalkoxy, arylalkenyl, arylalkynyl, arylamino, and heterocyclic compound (paragraph [0027]).

However, Noguchi et al. does not teach or suggest R₈ or R being a siloxy. Independent claims 4 and 9 recite a structure:



wherein R² and R^{2'} represent a silyl group, i.e. OR² and OR^{2'} is a siloxy.

Applicant submits that none of the cited references teach or suggest all of the elements and limitations of claims 4 and 9 by themselves or combined. Therefore, independent claims 4 and 9 and the claims dependent therefrom are patentable under 35 USC §102 and 103.

Allowable Subject Matter

The Examiner has indicated in the office action of February 25, 2008, that claims 1-3 would be allowable if rewritten or amended to overcome the rejections under 35 USC §112. Applicant has amended claim 1 to overcome the 35 USC §112 rejection and therefore claims 1-3 are now in condition for allowance.

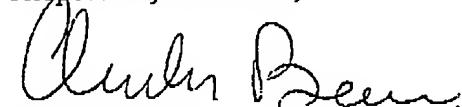
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Docket No. 075954-010300Conclusion

It is respectfully submitted that all of the Examiner's objections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 075954-010300 is referred to when charging any payments or credits for this case.

Respectfully submitted,



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